

Notice of Allowability

Application No.

09/581,887

Examiner

Nicholas Ponomarenko

Applicant(s)

WOBBEN, ALOVS

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Appeal Brief.
2. ☒ The allowed claim(s) is/are 16-26 and 28-38.
3. ☒ The drawings filed on 10 February 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☒ CORRECTED DRAWINGS must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No. _____.
- (b) ☒ including changes required by the proposed drawing correction filed 16 December 2002, which has been approved by the Examiner.
- (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- 1 ☐ Notice of References Cited (PTO-892)
- 3 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 5 ☐ Information Disclosure Statements (PTO-1449), Paper No. _____.
- 7 ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- 2 ☐ Notice of Informal Patent Application (PTO-152)
- 4 ☐ Interview Summary (PTO-413), Paper No. _____.
- 6 ☐ Examiner's Amendment/Comment
- 8 ☐ Examiner's Statement of Reasons for Allowance
- 9 ☐ Other

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Appeal Brief, filed on July 10, 2003, with respect to Final rejection dated April 17, 2003 have been fully considered and are persuasive. The Final rejection of April 17, 2003 has been withdrawn.

Reasons for Allowance

2. Claims 16-26 and 28-38 are allowed.

3. Examiner's Statement of Reasons for Allowance:

Applicant(s) invention relates to a wind turbine, and more specifically, to a control scheme and method of control of a wind turbine.

The system with a wind turbine is producing an electrical power and is capable to be connected to a power network. The system has a sensing scheme for sensing network voltage and creating a reference voltage utilizing in the control scheme to reduce power output "when network voltage exceeds a threshold value U1", as stated in independent claims 16, 25 and 31.

There are inventions in the field that provide similar functionality and/or have similar features, as prior art of record shows and as was shown in the prior Office action. Applicant(s) invention differs from the prior art of record by the system

configuration and its functions, which allow reducing power output "when network voltage exceeds a threshold value U1". Applicant(s) was able to persuade examiner that by the specific claiming of the "threshold value U1" applicant(s) provided a unique distinction from the prior art of record and enabled interpretation of the claims in view of the disclosure, i.e., as they are defined in the specification and the drawings, and not as they can be broadly interpreted as was argued by the examiner in the prior Office action.

Examiner's search failed to find a scheme with the claimed functionality, which was interpreted by the examiner as it is disclosed in the specification and the drawings, i.e., based on "a threshold value U1".

4. Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Ponomarenko whose telephone number is (703) 308-1776.

6. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist, Mon. - Fri., 8 a.m. - 5:30 p.m.

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np

October 29, 2003



Nicholas Ponomarenko
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